

SUBJECT: Prohibiting certain city employees from fighting wildland fires

COMMITTEE: Urban Affairs — favorable, without amendment

VOTE: 5 ayes — Alvarado, Bernal, Elkins, Isaac, J. Johnson

0 nays

2 absent — Leach, Zedler

WITNESSES: For — Bob Nicks, Austin Firefighters Association; (*Registered, but did not testify*: Randy Moreno, Austin Firefighters; Johnny Villarreal, Houston Fire Fighters Local 341; Glenn Deshields, Texas State Association of Fire Fighters; Wayne Delanghe)

Against — Tom Dodds, Austin Fire Department; Lucien Ball, City of Austin; Matt McCaw, Texas Chapter of Society for Ecological Restoration; Michelle Bertelsen; Matt O'Toole; (*Registered, but did not testify*: Clayton Huckaby, Buda Fire Department, Hays County ESD #8; David Gimnich, City of Austin; TJ Patterson, City of Fort Worth; Trent Townsend, The Nature Conservancy)

On — Tim Rutland, Texas Commission on Fire Protection; (*Registered, but did not testify*: David Gimnich)

BACKGROUND: Texas Administrative Code, Title 4, part 13, sec. 225.1(16) defines prescribed burning as "The controlled application of fire to fuels under specified environmental conditions in accordance with a written prescribed burn plan."

Local Government Code, ch. 143 provides requirements and standards of municipal civil service for firefighters and police officers. The provisions apply only to a municipality with a population of 10,000 or more that has a paid fire or police department and has voted to adopt this chapter.

DIGEST: HB 1009 would prohibit employees of a municipality that has adopted the

fire fighters' and police officers' civil service law from performing certain wildland firefighting duties, including conducting a prescribed burn, unless they were permanent, full-time firefighters. Municipal employees could assist in wildland firefighting activities if they were not working in their capacity as city employees and were acting as a member of a volunteer fire department. The bill would not prohibit certified fire protection personnel from performing a wildland firefighting duty, including prescribed burning, if they were supervised by a fire department authorized to act in the area.

The Texas Commission on Fire Protection would be required to adopt rules to implement this bill before January 1, 2018.

This bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2017.

**SUPPORTERS
SAY:**

HB 1009 would reduce safety risks associated with untrained individuals attempting to fight fires, including conducting prescribed burns, by prohibiting certain municipal employees from fighting wildland fires unless they were full-time firefighters. While prescribed burns are beneficial to reducing wildfire fuels and promoting healthy ecosystems, they also are highly dangerous and should only be attempted by trained professionals.

The bill would still allow a variety of fire department personnel to handle firefighting duties, including fire and arson investigators and certain other support or administrative staff. This flexibility would keep firefighters from being pulled away from their first responder duties in order to manage prescribed burns.

**OPPONENTS
SAY:**

HB 1009 would reclassify prescribed burning as a wildfire-fighting duty rather than a land-management tool. Prescribed burning historically has been considered a land-management tool because it controls vegetative fuels that can contribute to wildfires and helps restore ecosystems. The bill could negatively impact certain cities that depend on municipal

departments to conduct prescribed burns.

Many state and local entities have been safely conducting prescribed burns for many years, and limiting certain wildfire firefighting duties only to fire departments would be unnecessary. Land managers already are able to manage prescribed burns due to their intimate knowledge of the topography and access points of their land. Municipal fire departments may not have the capacity to manage the necessary prescribed burns in the area, and the added responsibility could take firefighters away from more pressing duties.